

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:05-mj-141-W
)
DELMER ANTONIO REYES-GUTIERREZ)
)

GOVERNMENT'S MOTION FOR DETENTION HEARING

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and pursuant to 18 U.S.C. 3142(e) and (f) moves for a detention hearing for the above-captioned defendants.

1. Eligibility of Cases

This case is eligible for a detention order because this case involves:

 Crime of violence (18 U.S.C. 3156)
 Maximum sentence of life imprisonment or death
 10 + year drug offense
 Felony, with two prior convictions in the above categories
 X Serious risk the defendant will flee
 Serious risk of obstruction of justice

2. Reason For Detention

The Court should detain defendant because there are no conditions of release which will reasonably assure:

 X Defendant's appearance as required
 X Safety of any other person and the community

3. Rebuttable Presumption

The United States will invoke the rebuttable presumption

against defendant under Section 3142(e). The presumption applies because:

_____ Probable cause to believe defendant committed 10 + year
drug offense or an offense in which a firearm was used or
carried under Section 924(c)

_____ Previous conviction for "eligible" offense committed while
on pretrial bond

_____ A period of five years has not elapsed from defendant's
conviction or release from imprisonment for the offense
described above

4. Time For Detention Hearing

The United States requests the Court conduct the detention hearing:

_____ At the initial appearance

X _____ After continuance of 3 days

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Respectfully submitted this the 18th day of November, 2005.

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